

ENTERED

November 29, 2017

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION****UNITED STATES OF AMERICA §****§****v. §****CRIMINAL NO. H-15-CR-344-01****§****JEFFREY EUGENE ROSE, SR. §****AMENDED ORDER APPOINTING RECEIVER**

Defendant has reached an agreement with the United States for the sale of a certain asset for purposes of having the proceeds applied to his anticipated restitution obligation. The parties have agreed to the appointment of a receiver to sell the asset before sentencing, which is authorized pursuant to 28 U.S.C. §§ 1651 and 3103.

The Court has considered the Unopposed Motion to Appoint a Receiver for Sale of Vehicle, the record, and the applicable law and has decided to grant the motion. Therefore,

1. It is ORDERED that Michael W. Scully, President of Rbex Inc. dba Apple Towing Co. ("Apple"), with a business address of 2030 Holmes Road, Houston, Harris County, Texas, is appointed receiver of the following asset:

1989 Rolls Royce Corniche
VIN # SCAZD02AXKCX25163


2. It is ORDERED that:
 - a. The receiver is authorized to peacefully seize, tow, prepare, and store the asset at an Apple facility in Houston, Texas. Towing charges shall

be \$125.00, and storage charges shall be \$5.00 per day, beginning on the date the asset is delivered to Apple and ending on the date of sale.

- b. Apple shall furnish and maintain a safe, suitable place for storage and shall keep the asset insured against loss by fire or theft for an amount equal to at least its fair market value.
- c. The receiver is authorized to sell the asset at auction without any further approval of this Court. Apple shall exert reasonable business efforts to advertise and promote the auction sale of the asset in order to obtain the best possible sales price.
- d. If necessary, the receiver is authorized to sign over title for the asset and execute change of title/registration paperwork as needed to pass title to and register the asset in the name of the top bidder at auction.
- e. If necessary, the receiver is authorized to obtain duplicate title for the asset from the Texas Department of Motor Vehicles, Texas Parks and Wildlife Department, or other appropriate source.
- f. If necessary, the receiver is authorized to purchase keys to the asset from an appropriate source.
- g. With the consent of the government, the receiver may make additional reasonable expenditures to prepare the asset for sale.

3. It is ORDERED that the receiver will receive 8% of the auction sales price of the asset as compensation for his services, in addition to reimbursement for expenses.
4. It is ORDERED that after the auction, with government approval of the amounts, the receiver may reimburse himself out of the sales proceeds for towing expenses, storage expenses, and any pre-approved additional expenditures, as well as for payment of the 8% commission.
5. It is ORDERED that the receiver will cause the net proceeds from the sale of the asset to be paid by check to "Clerk, U.S. District Court" and contain a memo line referencing "Cause No. H-15-cr-344-01" and "Jeffrey Eugene Rose Sr." The Clerk of the U.S. District Court is authorized to accept such funds and hold them in the Court's Registry for application to Defendant's anticipated restitution obligation.

Signed at Houston, Texas, this the 29th day of November, 2017.


EWING WERLEIN, JR.
UNITED STATES DISTRICT JUDGE